

BEFORE THE IDAHO STATE LICENSING BOARD OF PROFESSIONAL

COUNSELORS AND MARRIAGE & FAMILY THERAPISTS

In the Matter of the License of:)
) Case No. COU-2005-6
THOMAS A. WILSON,)
License No. LCPC-86,) **STIPULATION AND**
) **CONSENT ORDER**
Respondent.)
)

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WHEREAS, information having been received by the Idaho State Board of Professional Counselors and Marriage & Family Therapists (hereinafter the "Board") which constitutes sufficient grounds for the initiation of an administrative action against Thomas A. Wilson (hereinafter "Respondent"); and

WHEREAS, the parties mutually agree to settle the matter pending administrative Board action in an expeditious manner; now, therefore,

IT IS HEREBY STIPULATED AND AGREED between the undersigned parties that this matter shall be settled and resolved upon the following terms:

A.

1. The Board may regulate the practice of professional counseling and marriage and family therapy in the State of Idaho in accordance with title 54, chapter 34, Idaho Code.

2. Respondent Thomas A. Wilson is a licensee of the Idaho State Board of Professional Counselors and Marriage & Family Therapists and holds License No. LCPC-86 to practice professional counseling in the State of Idaho. Respondent's license is subject to the provisions of title 54, chapter 34, Idaho Code.

3. On or about August 31, 2004, D.N. presented at Respondent's office for a batterer's and alcohol evaluation. D.N. had previously been informed by a state child welfare program that he needed to obtain the evaluation prior to attempting to gain

custody of his child. D.N. was referred to Respondent by the Idaho Department of Health and Welfare, but D.N. chose Respondent under his own volition and paid for Respondent's services.

4. Respondent completed the evaluation and subsequently sent a copy to the state child welfare program but did not provide a copy to D.N. After calling Respondent's office several times, D.N. obtained a copy of the evaluation one day prior to a hearing in the child custody matter. The evaluation contained errors and D.N. was unable to supply additional information for a corrected evaluation prior to the hearing.

5. During the course of D.N.'s evaluation, Respondent:

a. Failed to obtain a signed informed consent/counselor disclosure from D.N. as required by Idaho Code § 54-3410A and ACA Code of Ethics A.3.a and E.3.a;

b. Failed to provide D.N. with information concerning the evaluation, assessment, and interpretation of testing in a timely manner, and failed to give D.N. the opportunity to clarify information in the evaluation before submitting the evaluation to the state child welfare program as required by ACA Code of Ethics E.2.d; and

c. Mistakenly assumed his client was the state child welfare program and not D.N., failing to clarify the definition of "client" with D.N. during the evaluation as required by ACA Code of Ethics E.9.c.

6. The above-stated allegations, if proven, would constitute a violation of the laws and rules governing the practice of professional counseling, specifically Idaho Code §§ 54-3407(5) and 54-3410A and the ACA Code of Ethics. Violations of these laws and rules would further constitute grounds for disciplinary action against Respondent's license to practice professional counseling in the State of Idaho.

7. Respondent, in lieu of proceeding with a formal disciplinary action to adjudicate the allegations as set forth above, hereby admits the violations and agrees to the discipline against his license as set forth in Section C below.

/ / /

B.

I, Thomas A. Wilson, by affixing my signature hereto, acknowledge that:

1. I have read and admit the allegations pending before the Board, as stated above in section A. I further understand that these allegations constitute cause for disciplinary action upon my license to practice professional counseling in the State of Idaho.

2. I understand that I have the right to a full and complete hearing; the right to confront and cross-examine witnesses; the right to present evidence or to call witnesses, or to so testify myself; the right to reconsideration; the right to appeal; and all rights accorded by the Administrative Procedure Act of the State of Idaho and the laws and rules governing the practice of professional counseling in the State of Idaho. I hereby freely and voluntarily waive these rights in order to enter into this stipulation as a resolution of the pending allegations.

3. I understand that in signing this consent order I am enabling the Board to impose disciplinary action upon my license without further process.

C.

Based upon the foregoing stipulation, it is agreed that the Board may issue a decision and order upon this stipulation whereby:

1. Respondent shall pay investigative costs and attorney fees in the amount of Nine Hundred Fifty and No/100 Dollars (\$950.00) within thirty (30) days of the entry of the Board's Order.

2. Respondent's License No. LCPC-86 shall be placed on probation for a period of one (1) year, which probation shall be SUSPENDED provided Respondent complies with the following conditions:

a. Within one (1) year of the date of entry of the Board's Order, Respondent shall satisfactorily complete fifteen (15) contact hours or one (1) semester credit with emphasis on: assessments, third party disclosures, client relationships, and the

2005 ACA Code of Ethics. Respondent must receive prior approval by the Board Chair, or the Chair's designee, as to both the institution and coursework for which he is seeking credit. After completion of the coursework, Respondent will provide certified transcripts to the Board. Said continuing education shall be in addition to any continuing education hours required to maintain licensure.

b. Within thirty (30) days of the date of entry of the Board's Order, Respondent shall submit for the Board's approval copies of his informed consent forms consistent with Idaho Code § 54-3410A and the 2005 ACA Code of Ethics. Respondent shall, within fifteen (15) days of notification, revise his informed consent forms if the Board determines any revisions are appropriate.

c. Respondent shall comply with all state, federal and local laws, rules and regulations governing the practice of professional counseling in the State of Idaho.

3. After Respondent has complied with the requirements of Paragraphs 1 and 2(a) and (b) above, Respondent may request from the Board reinstatement of No. LCPC-86 without restriction. Any request for reinstatement must be accompanied by written proof of compliance with the terms of this Stipulation. The Board retains discretion to grant reinstatement of Respondent's license or to deny reinstatement and continue the period of probation.

4. All costs associated with compliance with the terms of this Stipulation are the sole responsibility of Respondent.

5. The violation of any of the terms of this Stipulation by Respondent will warrant further Board action. The Board therefore retains jurisdiction over this proceeding until all matters are finally resolved as set forth in this Stipulation.

D.

1. It is hereby agreed between the parties that this Stipulation shall be presented to the Board with a recommendation for approval from the Deputy Attorney General responsible for prosecution before the Board at the next regularly scheduled

meeting of the Board.

2. Respondent understands that the Board is free to accept, modify with Respondent's approval, or reject this Stipulation, and if rejected by the Board, a formal complaint may be filed against Respondent. Respondent hereby agrees to waive any right Respondent may have to challenge the impartiality of the Board to hear the disciplinary complaint if, after review by the Board, this Stipulation is rejected.

3. If the Stipulation is not accepted by the Board, it shall be regarded as null and void. Admissions by Respondent in the Stipulation will not be regarded as evidence against Respondent at the subsequent disciplinary hearing.

4. The Consent Order shall not become effective until it has been approved by a majority of the Board and endorsed by a representative member of the Board.

5. Any failure on the part of Respondent to timely and completely comply with any term or condition herein shall be deemed a default.

6. Any default of this Stipulation and Consent Order shall be considered a violation of Idaho Code § 54-3407. If Respondent violates or fails to comply with this Stipulation and Consent Order, the Board may impose additional discipline pursuant to the following procedure:

a. The Chief of the Bureau of Occupational Licenses shall schedule a hearing before the Board. Within twenty-one (21) days after the notice of hearing and charges is served, Respondent shall submit a response to the allegations. If Respondent does not submit a timely response to the Board, the allegations will be deemed admitted.

b. At the hearing before the Board upon default, the Board and Respondent may submit affidavits made on personal knowledge and argument based upon the record in support of their positions. Unless otherwise ordered by the Board, the evidentiary record before the Board shall be limited to such affidavits and this Stipulation and Consent Order. Respondent waives a hearing before the Board on the facts and substantive matters related to the violations described in Section A, and waives discovery,

cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.

c. At the hearing, the Board will determine whether to impose additional disciplinary action, which may include conditions or limitations upon Respondent's practice or suspension or revocation of Respondent's license.

7. This Stipulation and Consent Order is the resolution of a contested case and is a public record.

8. This Stipulation and Consent Order contains the entire agreement between the parties, and Respondent is not relying on any other agreement or representation of any kind, verbal or otherwise.

I have read the above stipulation fully and have had the opportunity to discuss it with legal counsel. I understand that by its terms I will be waiving certain rights accorded me under Idaho law. I understand that the Board may either approve this stipulation as proposed, approve it subject to specified changes, or reject it. I understand that, if approved as proposed, the Board will issue an Order on this stipulation according to the aforementioned terms, and I hereby agree to the above stipulation for settlement. I understand that if the Board approves this stipulation subject to changes, and the changes are acceptable to me, the stipulation will take effect and an order modifying the terms of the stipulation will be issued. If the changes are unacceptable to me or the Board rejects this stipulation, it will be of no effect.

DATED this 18th day of OCTOBER, 2005.

Thomas A. Wilson
Thomas A. Wilson
Respondent

I concur in this stipulation and order.

DATED this 30th day of January, 2006.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By Emily A. Mac Master
Emily A. Mac Master
Deputy Attorney General

ORDER

Pursuant to Idaho Code § 54-3404, the foregoing is adopted as the decision of the Board of Professional Counselors and Marriage & Family Therapists in this matter and shall be effective on the 7th day of February, 2006. **IT IS SO ORDERED.**

IDAHO STATE LICENSING BOARD OF
PROFESSIONAL COUNSELORS AND
MARRIAGE & FAMILY THERAPISTS

By Roberta Crockett acting.
Roberta Crockett, Chair Chair

CERTIFICATE OF SERVICE

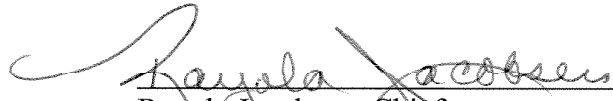
I HEREBY CERTIFY that on this 8th day of February 2006, I caused to be served a true and correct copy of the foregoing by the following method to:

Thomas A. Wilson
514 S. Orchard, Suite 101
Boise, ID 83705

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☒ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☐ Statehouse Mail

Emily A. Mac Master
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

- ☐ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☒ Statehouse Mail



Rayola Jacobsen, Chief
Bureau of Occupational Licenses